CPHA
California Plant Health Association

1801 I Street • Suite 200 • Sacramento, CA 95814 • Phone: 916.446.3316 • Fax: 916.446.3067 • Web Site: *www.cpha.net*

March 24, 2004

Mr. Paul Helliker
Director, California Department of Pesticide Regulations
California Environmental Protection Agency
1001 I St.
Sacramento, CA 95814

Dear Mr. Hetliker:

The California Plant Health Association is submitting the following proposals for regulatory reform of DPR programs. CPHA represent manufacturers, formulators, and retailers of crop protection products as well as manufacturers and retailers of fertilizer products. We share our members concerns over the increasing burdens placed on the state's business community in the form of excessive fees and taxes, onerous environmental rules and regulations, and additional mandates that result in questionable environmental benefits.

Of particular concern are operations within the DPR. We believe that a strong department is a benefit to everyone in California. DPR is currently challenged by budget shortfalls. We believe that this is an opportunity for DPR to truly review its current programs, and implement reforms that will allow it to better serve California.

The following document contains reforms to DPR's regulatory programs that we believe DPR could initiate. Additional reforms requiring statutory change and administrative initiatives will be forwarded to the Governor. These are proposals that would require administrative approval and participation, and are beyond the scope of DPR to undertake on its own.

We believe these changes will assist DPR in improving its programs and departments. We look forward to working with you in the coming months for a successful outcome to these proposals.

Sincerely,

Renee Pinel
Director of Policy and Legislation

Regulatory Reforms to CDPR Programs

The following is a detailed description of regulatory reforms that will benefit the registration process.

ELIMINATION OF REDUNDANCY

A. Use USEPA Evaluations of Scientific Data

1. Evaluations Required by Regulation (CEQA)

DPR should use the Sepia's scientific evaluations of studies, in lieu of their own, to eliminate duplicate scientific reviews.

B. Eliminate Efficacy Data Reviews for Categories of Products

USEPA routinely evaluates scientific data supporting efficacy claims on products such as ant microbial products with health claims, public health products, and termiticides. For other product categories, USEPA require that supporting data be available but only evaluates these data on an as-needed basis. DPR's redundant evaluation of products already evaluated by the USEPA should be eliminated (consistent with Food & Agriculture Code, Section 12837, approved by legislature in 1996) as should the evaluation of products where the user groups are not requesting DPR's input (such as consumer products).

C. Eliminate Other Scientific Evaluations

In addition to efficacy data evaluations, DPR preformed redundant evaluations of studies in several other categories. The requirement for these data reviews could be eliminated with insignificant impact on either public health or the environment. The study categories that should be considered for elimination are:

1. **Residue Chemistry Data**
2. **Fish and Wildlife Data**
3. **Product Chemistry Data**
4. **Acute Toxicity Data**

Summary. California should eliminate the requirement for submission and evaluation of all studies that are now also already mandated by USEPA, unless, under a scientific finding by DPR, a duplicative evaluation is needed.

INCREASING TIMELINESS

DPR must adhere to existing 60 and 120 day regulatory mandates for completion or face sanctions for failing to perform their functions as mandated. In 1997 the legislature added FAC, Section 12824, which required DPR to report on its progress towards compliance with "timely" registration requirements. DPR should provide this report, with customer input so the legislature and the administration can evaluate DPR's performance objectively. DPR should fully implement a tracking of registration process so users can identify where they are in the process and parties can identify "hold-ups" in the process where improvements are necessary.

A. Expand Work-Share of Scientific Evaluations with USEPA

Currently, DPR and USEPA perform duplicative evaluations of most scientific studies. These programs have been very successful.

DPR should aggressively pursue sub-contracting with USEPA to perform data reviews. The reviews would be conducted at one time, DPR would generate additional revenues in the process, and growers would have quicker access to products. DPR has stated in the past that USEPA did not have funding for this type of effort. Recent changes in federal regulations now allow USEPA to conduct evaluation on a fee-for-service basis. The Office of Pesticide Programs stated on February 4, 2004, that they would be hiring additional personnel as outside consultants to fill this role.

B. Adopt USEPA's Scientific Guidelines and Standards

When a scientific evaluation. is required, significant delays in the DPR registration process can be caused by rejection of scientific studies by DPR that were accepted by USEPA. DPR should ensure that their standards are consistent with those of the USEPA.

C. Streamline Registration Process

The current pesticide evaluation process is followed by a mandatory 30-day posting period. To "speed up" the registration process, DPR should incorporate this 30-day posting period into the evaluation process.